

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JOHN ROLAND MYLES, JR., #029655-HCDC

PETITIONER

VERSUS

CIVIL ACTION NO. 3:07-cv-563-HTW-LRA

**LAWRENCE KELLY AND STATE OF
MISSISSIPPI**

RESPONDENTS

ORDER

Before the Court is Petitioner's response to this Court's Final Judgment [14] and motion to hear Petitioner's Habeas Corpus [15]. A Final Judgment was entered in this cause on January 30, 2008 for failure to prosecute. However, in the interest of justice this case will be reopened and Petitioner is directed to comply with this Court's order of September 27, 2007, directing him to file a completed application to proceed *in forma pauperis* or pay the \$5.00 filing fee.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. That the United States District Court Clerk is hereby directed to reopen this cause.
2. That Petitioner's motion to hear Petitioner's Habeas Corpus [15] is granted inasmuch as this case will be reopened.
3. That the Petitioner is granted twenty days from the date of this order to file a completed application to proceed *in forma pauperis* or pay the \$5.00 filing fee. If the Petitioner or someone on behalf of the Petitioner submits the \$5.00 filing fee, there must be a written explanation that the money is being submitted as payment of the filing fee in this case (3:07-cv-563-HTW-LRA) on behalf of the Petitioner, John Roland Myles, Jr., #029655-HCDC.
4. That Petitioner is informed that his failure to timely comply with the requirements

of this order may lead to the dismissal of his petition.

5. The Clerk shall mail the attached *in forma pauperis* application to the Petitioner at his last known address.

SO ORDERED, this the 28th of March, 2008.

s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE

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RESPONDENTS

MOTION TO PROCEED IN FORMA PAUPERIS

I, _____ (name), _____ (prisoner number), declare that I am the petitioner in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. § 1915 I declare that I am unable to pay the costs of said proceedings or give security therefor; that I believe I am entitled to the relief.

Signed: _____ Date: _____

AFFIDAVIT IN SUPPORT OF MOTION

In support of this motion, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? _____ Yes _____ No
If "yes" state the place of your incarceration _____
2. Are you presently employed (at the institution or otherwise)? _____ Yes _____ No
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

 - b. If the answer is "no," state the date of the last employment and the amount of the salary and wages per month which you received. _____

3. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession or form of self-employment? _____ Yes _____ No
 - b. Rent payments, interest or dividends? _____ Yes _____ No

- c. Pensions, annuities or life insurance payments? ☐ Yes ☐ No
d. Gifts or inheritances? ☐ Yes ☐ No
e. Any other sources? ☐ Yes ☐ No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

4. Do you own cash, or do you have money in a checking or savings account?

☐ Yes ☐ No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☐ No

If the answer is "yes," describe the property and state its approximate value. _____

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on _____
Date

Signature of Petitioner

Certificate

I hereby certify that the petitioner herein has the sum of \$_____ on account to his credit at the _____ institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said _____ institution:_____.

Date

Authorized Officer of Institution